

SIXTH DAY - JANUARY 11, 2006**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
SECOND SESSION****SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 11, 2006

PRAYER

The prayer was offered by Pastor Doug Griger, United Methodist Church, Alliance.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Byars and Jensen who were excused; and Senators Cunningham, Heidemann, Landis, and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 216, after line 4 insert:

"LB 823 Government, Military and Veterans Affairs (rereferred)"

Page 216, line 14, after "LB 869" strike "Appropriations" and insert "Health and Human Services".

The Journal for the third day was approved as corrected.

The Journal for the fifth day was approved.

GENERAL FILE

LEGISLATIVE BILL 454. The Standing Committee amendment, AM0810, printed separately and referred to on page 1076 and considered on page 1413, First Session, 2005, was renewed.

Senator Beutler renewed his pending amendment, AM1233, found on page 1217 and considered on page 1413, First Session, 2005, to the Standing Committee amendment.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1025. Introduced by Bourne, 8; Cornett, 45; Hudkins, 21; Dw. Pedersen, 39; Stuthman, 22; Synowiecki, 7.

A BILL FOR AN ACT relating to county jails; to amend section 47-119.01, Reissue Revised Statutes of Nebraska; to change provisions relating to state prisoner reimbursement; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1026. Introduced by Pahls, 31; Cornett, 45; Friend, 10.

A BILL FOR AN ACT relating to law enforcement; to amend section 84-712.05, Revised Statutes Supplement, 2005; to require employers to provide information regarding peace officer applicants; to provide limitations; to require confidentiality; to define terms; and to repeal the original section.

LEGISLATIVE BILL 1027. Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend section 77-5725, Revised Statutes Supplement, 2005; to change employment and investment requirements; and to repeal the original section.

LEGISLATIVE BILL 1028. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services Finance and Support; and to declare an emergency.

LEGISLATIVE BILL 1029. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-741, Reissue Revised Statutes of Nebraska; to change bidding requirements for construction contracts; and to repeal the original section.

LEGISLATIVE BILL 1030. Introduced by Combs, 32.

A BILL FOR AN ACT relating to public parks; to provide for notice of inspection of public park buildings.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services
Room 1510

LB 766	Wednesday, January 18, 2006	1:30 p.m.
LB 833	Wednesday, January 18, 2006	1:30 p.m.
LB 838	Wednesday, January 18, 2006	1:30 p.m.
LB 882	Wednesday, January 18, 2006	1:30 p.m.
LB 908	Wednesday, January 18, 2006	1:30 p.m.

LB 844	Thursday, January 19, 2006	1:30 p.m.
LB 846	Thursday, January 19, 2006	1:30 p.m.
LB 884	Thursday, January 19, 2006	1:30 p.m.
LB 950	Thursday, January 19, 2006	1:30 p.m.
LB 951	Thursday, January 19, 2006	1:30 p.m.
LB 994	Thursday, January 19, 2006	1:30 p.m.

Thursday, January 19, 2006 1:30 p.m.
Joann Schaefer - Chief Medical Officer and Director of Regulation and Licensure
Ron Sorensen - Behavioral Health Administrator

LB 891	Friday, January 20, 2006	1:30 p.m.
LB 866	Friday, January 20, 2006	1:30 p.m.
LB 892	Friday, January 20, 2006	1:30 p.m.

(Signed) Jim Jensen, Chairperson

Natural Resources
Room 1525

Wednesday, January 18, 2006 1:30 p.m.
Mark Pinkerton - Game and Parks Commission

Friday, January 20, 2006 1:30 p.m.
David Hallberg - Nebraska Ethanol Board
Joseph Citta Jr. - Environmental Quality Council

(Signed) Ed Schrock, Chairperson

Revenue
Room 1524

LB 887	Wednesday, January 18, 2006	1:30 p.m.
LB 858	Wednesday, January 18, 2006	1:30 p.m.
LB 896	Wednesday, January 18, 2006	1:30 p.m.
LB 897	Wednesday, January 18, 2006	1:30 p.m.
LB 791	Wednesday, January 18, 2006	1:30 p.m.
LB 957	Wednesday, January 18, 2006	1:30 p.m.

LB 974 Wednesday, January 18, 2006

1:30 p.m.

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 454. The Beutler pending amendment, AM1233, found on page 1217, considered on page 1413, First Session, 2005, and in this day's Journal, to the Standing Committee amendment, was renewed.

SENATOR CUDABACK PRESIDING**PRESIDENT SHEEHY PRESIDING**

Senator Chambers offered the following motion:
Recommit to Judiciary Committee.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1031. Introduced by Preister, 5.

A BILL FOR AN ACT relating to environmental protection; to adopt the Disposal of Electronic Devices Act; to provide for a civil penalty; to create a fund; and to provide severability.

LEGISLATIVE BILL 1032. Introduced by Preister, 5; Connealy, 16; Cornett, 45; Synowiecki, 7.

A BILL FOR AN ACT relating to community colleges; to amend sections 77-3442 and 85-1517, Revised Statutes Supplement, 2005; to change property tax levy provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1033. Introduced by Connealy, 16; Cunningham, 40; Flood, 19; Kremer, 34; Schrock, 38; Wehrbein, 2.

A BILL FOR AN ACT relating to ethanol; to amend section 66-1345, Revised Statutes Cumulative Supplement, 2004, and section 66-1345.04, Revised Statutes Supplement, 2005; to eliminate a provision relating to transfers and proration of fuel tax credits; to state intent relating to funding; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1034. Introduced by Brown, 6.

A BILL FOR AN ACT relating to foreign trade; to authorize payment or

partial payment to Nebraska by the Republic of Cuba in tobacco or tobacco products; and to provide for a lottery to determine retail outlets.

LEGISLATIVE BILL 1035. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to alcohol and drug counselors; to amend section 71-1,357, Revised Statutes Cumulative Supplement, 2004; to change license requirements; and to repeal the original section.

LEGISLATIVE BILL 1036. Introduced by Howard, 9; Aguilar, 35; Beutler, 28; Brown, 6; Combs, 32; Connealy, 16; Cornett, 45; Cudaback, 36; Cunningham, 40; Engel, 17; Fischer, 43; Flood, 19; Foley, 29; Hudkins, 21; Janssen, 15; Johnson, 37; Kruse, 13; Langemeier, 23; McDonald, 41; Mines, 18; Pahls, 31; Dw. Pedersen, 39; Price, 26; Raikes, 25; Schimek, 27; Schrock, 38; Stuhr, 24; Synowiecki, 7; Thompson, 14; Wehrbein, 2.

A BILL FOR AN ACT relating to health and human services; to require certain qualifications for new hires of child protection and safety workers, social workers, and trainees.

LEGISLATIVE BILL 1037. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to housing agencies; to amend section 71-1576, Reissue Revised Statutes of Nebraska; to provide for the selection of commissioners by city councils as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1038. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska State Fairgrounds; to amend section 2-104, Revised Statutes Cumulative Supplement, 2004; to prohibit certain leases as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1039. Introduced by McDonald, 41; Wehrbein, 2.

A BILL FOR AN ACT relating to the State Lottery Act; to amend section 9-801, Reissue Revised Statutes of Nebraska, and section 9-803, Revised Statutes Cumulative Supplement, 2004; to define a term; to provide limitations and requirements relating to advertising; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1040. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to legal service insurance corporations; to amend section 44-3311, Reissue Revised Statutes of Nebraska; to modify a reference; and to repeal the original section.

LEGISLATIVE BILL 1041. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to the Nebraska Cosmetology Act; to amend sections 71-3,173 and 71-3,176, Reissue Revised Statutes of Nebraska, and section 71-3,174, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to disciplinary actions; to provide for attorney's fees; to harmonize provisions; and to repeal the original sections.

SELECT COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 542. Placed on Select File as amended.

E & R amendment to LB 542:

AM7136

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. The Legislature finds that there are
- 4 significant issues relating to tax policy that need to be reviewed
- 5 periodically. The Legislature also finds that a tax policy reform
- 6 commission which is responsible for studying Nebraska's tax
- 7 structure, reviewing implications for the future, ensuring the
- 8 retention of institutional knowledge about Nebraska's tax policy,
- 9 and providing recommendations for sound tax policy for the future
- 10 is essential to the long-term growth of the state's economy and the
- 11 survival of the state's public institutions.
- 12 Sec. 2. The Tax Policy Reform Commission is created. The
- 13 commission shall have sixteen members appointed as follows:
- 14 (1) Eight members of the Legislature appointed by the
- 15 Executive Board of the Legislative Council;
- 16 (2) One economist appointed by the Governor;
- 17 (3) One representative of production agriculture
- 18 appointed by the Governor;
- 19 (4) One representative of industry and manufacturing
- 20 appointed by the Governor;
- 21 (5) One representative of the labor sector appointed by
- 22 the Executive Board of the Legislative Council;
- 23 (6) One representative of the telecommunications sector
- 1 appointed by the Governor;
- 2 (7) One representative of the low-income sector appointed
- 3 by the Executive Board of the Legislative Council;
- 4 (8) The Director of Economic Development; and
- 5 (9) The Tax Commissioner.
- 6 Sec. 3. The Tax Policy Reform Commission shall elect
- 7 a chairperson from among its members. The commission shall meet
- 8 quarterly or more often if the chairperson determines additional
- 9 meetings are necessary to accomplish the objectives established in
- 10 this act giving consideration to the funds appropriated. Members
- 11 shall be reimbursed for their actual and necessary expenses as
- 12 provided in sections 81-1174 to 81-1176.
- 13 Sec. 4. The Tax Policy Reform Commission shall:
- 14 (1) Evaluate current Nebraska tax policies and how

15 they relate to generally recognized tax policies of adequacy,
16 equity, economic competitiveness, simplicity, and accountability
17 and recommend improvements;

18 (2) Examine household tax burdens and business tax
19 burdens as compared to the United States as a whole and nearby
20 states and recommend improvements;

21 (3) Examine nominal tax rates as compared to the United
22 States as a whole and nearby states and recommend improvements;

23 (4) Evaluate current business tax incentive programs and
24 recommend improvements;

25 (5) Examine the impact of changes in the fundamentals of
26 the Nebraska economy on the revenue adequacy and stability for the
27 state and recommend improvements;

1 (6) Examine demographic changes taking place in the
2 state, anticipate the effects such changes have on the revenue
3 adequacy and stability for the state in the future, and recommend
4 improvements;

5 (7) Examine previous studies, including the Comprehensive
6 Tax Study done by Syracuse University from 1986 to 1988, and
7 ascertain whether any recommendations from such studies can be
8 utilized in the commission's research; and

9 (8) Issue a preliminary report to the Executive Board of
10 the Legislative Council, the Revenue Committee of the Legislature,
11 and the Governor by December 15, 2006, containing the commission's
12 preliminary findings and recommendations, and issue a final report
13 to the executive board, the committee, and the Governor by November
14 15, 2007, containing any recommendations for legislation to reform
15 tax policy and, if appropriate, draft proposed language for
16 legislation.

17 Sec. 5. The Tax Policy Reform Commission may hold
18 hearings throughout the state for purposes of receiving input
19 from the public on the issues identified in section 4 of this act.

20 Sec. 6. (1) Employees of the Department of Revenue, the
21 Department of Property Assessment and Taxation, and the Legislative
22 Council shall be available to the Tax Policy Reform Commission
23 to assist it in carrying out its work. The commission shall
24 contract with a meeting facilitator and may contract with experts
25 from any institution of postsecondary education in the state to
26 provide assistance, specific research, research or policy reports,
27 or presentations to carry out the purposes of section 4 of this
1 act, within the constraints of the appropriation provided.

2 (2) Funding for the commission shall be appropriated to
3 the Legislative Council and shall not exceed one hundred thousand
4 dollars.

5 Sec. 7. This act terminates on December 31, 2007.

6 Sec. 8. Since an emergency exists, this act takes effect
7 when passed and approved according to law.

8 2. On page 1, line 2, after the second semicolon insert
9 "to provide a termination date;".

(Signed) Michael Flood, Chairperson

AMENDMENT - Print in Journal

Senator Preister filed the following amendment to LB 900:
AM1856

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 84-1409, Revised Statutes Cumulative
4 Supplement, 2004, is amended to read:
5 84-1409. For purposes of the Open Meetings Act, unless the
6 context otherwise requires:
7 (1)(a) Public body means (i) governing bodies of
8 all political subdivisions of the State of Nebraska, (ii)
9 governing bodies of all agencies, created by the Constitution of
10 Nebraska, statute, or otherwise pursuant to law, of the executive
11 department of the State of Nebraska, (iii) all independent boards,
12 commissions, bureaus, committees, councils, subunits, or any other
13 bodies created by the Constitution of Nebraska, statute, or
14 otherwise pursuant to law, (iv) all study or advisory committees
15 of the executive department of the State of Nebraska whether
16 having continuing existence or appointed as special committees with
17 limited existence, (v) advisory committees of the bodies referred
18 to in subdivisions (i), (ii), and (iii) of this subdivision, and
19 (vi) instrumentalities exercising essentially public functions.
20 (b) Public body does not include (i) subcommittees of
21 such bodies unless a quorum of the public body attends a
22 subcommittee meeting or unless such subcommittees are holding
23 hearings, making policy, or taking formal action on behalf of their
24 parent body, ~~(ii) entities conducting judicial proceedings unless~~
25 ~~a court or other judicial body is exercising rulemaking authority,~~
26 ~~deliberating, or deciding upon the issuance of administrative~~
27 ~~orders, and (iii) (ii) the Policy Cabinet created in section~~
28 ~~81-3009;~~
29 (2) Meeting means all regular, special, or called
30 meetings, formal or informal, of any public body for the purposes
31 of briefing, discussion of public business, formation of tentative
32 policy, or the taking of any action of the public body; and
33 (3) Videoconferencing means conducting a meeting
34 involving participants at two or more locations through the use of
35 audio-video equipment which allows participants at each location
36 to hear and see each meeting participant at each other location,
37 including public input. Interaction between meeting participants
38 shall be possible at all meeting locations.
39 Sec. 2. Original section 84-1409, Revised Statutes
40 Cumulative Supplement, 2004, is repealed.

VISITORS

Visitors to the Chamber were former Senator Howard Lamb from Anselmo; and Diane and Dick Hatterman from Holdrege.

RECESS

At 11:48 a.m., on a motion by Senator Cudaback, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Byars and Jensen who were excused; and Senators Beutler, Brown, Cunningham, Kremer, Mines, D. Pederson, Thompson, and Wehrbein who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 934	Agriculture (rereferred)
LB 998	Education
LB 999	Health and Human Services
LB 1000	Judiciary
LB 1001	Judiciary
LB 1002	Health and Human Services
LB 1003	Revenue
LB 1004	General Affairs
LB 1005	Revenue
LB 1006	Revenue
LB 1007	Transportation and Telecommunications
LB 1008	Transportation and Telecommunications
LB 1009	Judiciary
LB 1010	Revenue
LB 1011	Revenue
LB 1012	Education
LB 1013	Government, Military and Veterans Affairs
LB 1014	Judiciary
LB 1015	Appropriations
LB 1016	Health and Human Services
LB 1017	Education
LB 1018	Agriculture
LB 1019	Nebraska Retirement Systems
LB 1020	Nebraska Retirement Systems

LB 1021 Nebraska Retirement Systems
 LB 1022 Nebraska Retirement Systems
 LB 1023 Nebraska Retirement Systems
 LB 1024 Education

(Signed) Pat Engel, Chairperson
 Legislative Council, Executive Board

GENERAL FILE

LEGISLATIVE BILL 454. The Chambers pending motion, found in this day's Journal, to recommit to Judiciary Committee, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Senator Chambers requested a roll call vote on his motion to recommit.

Voting in the affirmative, 3:

Kruse	Schimek	Thompson
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Voting in the negative, 32:

Aguilar	Conneally	Foley	Louden	Smith
Baker	Cornett	Friend	Mines	Stuhr
Beutler	Cunningham	Heidemann	Pahls	Stuthman
Bourne	Engel	Hudkins	Pedersen, Dw.	Synowiecki
Brashear	Erdman	Janssen	Pederson, D.	
Burling	Fischer	Kremer	Redfield	
Combs	Flood	Langemeier	Schrock	

Present and not voting, 9:

Brown	Cudaback	Johnson	Preister	Raikes
Chambers	Howard	Kopplin	Price	

Excused and not voting, 5:

Byars	Jensen	Landis	McDonald	Wehrbein
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The Chambers motion to recommit failed with 3 ayes, 32 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1042. Introduced by Cornett, 45; Preister, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3512, Reissue Revised Statutes of Nebraska, and sections 77-1502, 77-1507, 77-1514, 77-3513, and 77-3514, Revised Statutes Supplement, 2005; to provide powers to the county board of equalization regarding certain property tax deadlines; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1043. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1344, Revised Statutes Supplement, 2005; to change provisions relating to special valuation of agricultural or horticultural land; and to repeal the original section.

LEGISLATIVE BILL 1044. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Victim's Compensation Fund; to amend section 81-1835, Reissue Revised Statutes of Nebraska, and section 83-183, Revised Statutes Cumulative Supplement, 2004; to provide for a percentage of wages earned by inmates in a work release program to be deposited in the fund as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1045. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,191, Reissue Revised Statutes of Nebraska, section 13-203, Revised Statutes Cumulative Supplement, 2004, and sections 77-27,187.01, 77-5903, and 81-12,127, Revised Statutes Supplement, 2005; to define and redefine terms; to change provisions relating to investment increases in property and the Building Entrepreneurial Communities Act; to provide an operative date; to repeal the original sections; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 263. Introduced by Flood, 19.

WHEREAS, Madison County was named by an act of the territorial legislature on January 26, 1856; and

WHEREAS, Madison County was named for the fourth President of the United States, James Madison; and

WHEREAS, Madison County is home to the following communities: Norfolk, Madison, Battle Creek, Tilden, Newman Grove, Meadow Grove,

and Enola; and

WHEREAS, Madison County was home to many notable public figures throughout the years, including Senator William Allen, who served in the United States Senate; Karl Stefan, who served as a United States Congressman; Richie Ashburn, who played major league baseball; and Johnny Carson, who hosted the NBC Tonight Show; and

WHEREAS, the first homestead entry in Madison County was recorded May 14, 1867, by William Boche for one hundred sixty acres; and

WHEREAS, the Madison County Historical Society was organized on January 10, 1928, to preserve the historical material of the county; and

WHEREAS, the Square Turn Tractor was manufactured in Norfolk in 1913 and is on display at the Elkhorn Valley Museum.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the history of Madison County, Nebraska, be celebrated and honored on the county's 150th birthday, January 26, 2006.

2. That the residents of Madison County, both those who have gone before us and the residents of today, be recognized for their contribution to the prosperity and quality of life in Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 264. Introduced by Pahls, 31.

WHEREAS, the Millard North Mustangs won the 2005 Class A football championship; and

WHEREAS, the Millard North Mustangs have won the Class A football championship two out of the last three years; and

WHEREAS, Millard North defeated Lincoln Southwest in front of a record finals crowd of 12,557 in Memorial Stadium; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Millard North Mustangs on their success.

2. That a copy of this resolution be sent to the Millard North Mustangs football team and their coach, Fred Petito.

Laid over.

LEGISLATIVE RESOLUTION 265. Introduced by Beutler, 28.

WHEREAS, Lincoln High School placed first in Class A at the 2005 Nebraska State One-Act Competition; and

WHEREAS, this is the third consecutive year Lincoln High School placed first in the state competition; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Lincoln High School One-Act team be congratulated on their success.

2. That a copy of this resolution be sent to the Lincoln High School One-Act team and their coaches.

Laid over.

LEGISLATIVE RESOLUTION 266. Introduced by Heidemann, 1.

WHEREAS, the 2004 Syracuse cross-country team took first place in the Class C state championship; and

WHEREAS, Coach Rich Ziegler was named 2004 cross-country coach of the year; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the members of the 2004 Syracuse cross-country team: Thomas Neeman, Ben Kriefels, Jon Sporhase, Kodi Smith, Brian Copley, and Andy Stilmock.

2. That a copy of this resolution be sent to the 2004 Syracuse cross-country team and their coach, Rich Ziegler.

Laid over.

LEGISLATIVE RESOLUTION 267. Introduced by Heidemann, 1.

WHEREAS, the 2005 Syracuse cross-country team took first place in the Class C state championship; and

WHEREAS, this is the second year in a row the Syracuse cross-country team has won the Class C state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the members of the 2005 Syracuse cross-country team: Brian Copley, Kodi Smith, Jon Sporhase, Adam Post, Andy Stilmock, and Jeremy Wilkinson.

2. That a copy of this resolution be sent to the 2005 Syracuse cross-country team and their coach, Rich Ziegler.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 454. Senator Chambers offered the following motion:

Reconsider the vote taken to recommit to the Judiciary Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Senator Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 7:

Chambers	Kopplin	Raikes	Thompson
Howard	Kruse	Schimek	

Voting in the negative, 31:

Aguilar	Cornett	Heidemann	Pahls	Stuthman
Baker	Cunningham	Hudkins	Pedersen, Dw.	Synowiecki
Bourne	Engel	Kremer	Pederson, D.	Wehrbein
Brashear	Erdman	Langemeier	Redfield	
Brown	Fischer	Louden	Schrock	
Combs	Flood	McDonald	Smith	
Connealy	Foley	Mines	Stuhr	

Present and not voting, 5:

Beutler	Cudaback	Johnson	Preister	Price
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Excused and not voting, 6:

Burling	Friend	Jensen
Byars	Janssen	Landis

The Chambers motion to reconsider failed with 7 ayes, 31 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1046. Introduced by Connealy, 16; Mines, 18; Pahls, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.22, Revised Statutes Supplement, 2005; to provide a sales tax exemption relating to manufacturing machinery and equipment; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1047. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-311.04, Reissue Revised Statutes of Nebraska, and sections 28-311.02 and 28-311.03, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to stalking; to define terms; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1048. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to gambling; to amend sections 9-307, 9-313, 9-317, 9-332, 9-332.01, 9-333, 9-334, 9-336, 9-337, 9-340, 9-342, 9-343, 9-345.02, 9-348, 9-350, 9-351, 9-352, 28-1101, and 77-3001, Reissue Revised Statutes of Nebraska, and sections 9-301, 9-303, 9-304, 9-315, 9-322, 9-329.02, 9-331, 9-338, 9-340.02, 9-345.01, 9-345.03, 9-346, 9-347, and 9-349, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to the Nebraska Pickle Card Lottery Act; to authorize the use of electronic pickle card devices as prescribed; to define and redefine terms; to provide and change powers and duties; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1049. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to educational telecommunications; to amend section 79-1319, Reissue Revised Statutes of Nebraska; to change provisions related to lease arrangements involving Nebraska Educational Telecommunications Commission facilities; and to repeal the original section.

LEGISLATIVE BILL 1050. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to schools; to provide for a study relating to countywide school districts.

AMENDMENTS - Print in Journal

Senator Thompson filed the following amendment to LB 454:
AM1870

(Amendments to Standing Committee amendments, AM0810)

- 1 1. On page 6, lines 5 and 6, strike "or a similar
- 2 law of another jurisdiction or is not currently adjudged mentally
- 3 incompetent".

Senator Beutler filed the following amendment to LB 529:

(Amendment, AM1795, is printed separately and available in the Bill Room,

Room 1104.)

Senator Chambers filed the following amendments to LB 454:

FA337

Amend AM0810

1. P. 2, line 2 after "officer" insert "when in uniform and on property under the jurisdiction of Game and Parks".

FA338

Amend AM0810

1. P. 1, line 20 strike "town marshal".

FA339

Amend AM0810

1. P. 2, lines 2-3 strike "and all other persons with similar authority to make arrests".

FA340

Amend AM0810

1. P. 2, line 3 add "provided that all persons designated in this subsection shall be in uniform and specify his or her status or position of authority".

FA341

Amend AM0810

1. P. 1, line 11 after "handgun" insert "including a bulge caused by the handgun".

FA342

Amend AM0810

1. P. 1, lines 17-18 strike "with a barrel less than sixteen inches in length or any firearm".

FA343

Amend AM0810

1. P. 3, line 19 strike "in which he or she resides or the county".

FA344

Amend AM0810

1. P. 2, line 27 after "name" insert "using no initials or abbreviations".

FA345

Amend AM0810

1. P. 3, line 1 strike "address" and insert "street address and where applicable, apartment number but not a post office box number".

FA346

Amend AM0810

1. P. 4, line 12 strike "competency" and insert "proficiency"; line 14 strike "state, and local laws" and insert "and state laws and local ordinances"; in line 17 strike "state, and local laws" and insert "and state laws and local ordinances".

FA347

Amend AM0810

1. P. 7, line 10 strike "five" and insert "two".

FA348

Amend AM0810

1. P. 8, line 1 after "cause" insert "to believe".

FA349

Amend AM0810

1. P. 9, line 4 add "If a permitholder does not produce a Nebraska driver's license or Nebraska-issued identification card when asked to do so by a peace officer, the peace officer shall take possession of the handgun and provide a dated receipt which includes the make, model, caliber and serial number of the handgun and the location where the handgun shall be deposited by the peace officer. When the permitholder produces a Nebraska driver's license or Nebraska-issued identification card, the handgun shall be returned to the permitholder."

FA350

Amend AM0810

1. P. 5, line 8 strike "discernible" and insert "observable"; in line 9 after "safely" insert "and proficiently".

NOTICE OF COMMITTEE HEARINGS

Judiciary
Room 1113

LB 770	Wednesday, January 18, 2006	1:30 p.m.
LB 802	Wednesday, January 18, 2006	1:30 p.m.
LB 826	Wednesday, January 18, 2006	1:30 p.m.
LB 841	Wednesday, January 18, 2006	1:30 p.m.
LB 982	Wednesday, January 18, 2006	1:30 p.m.
LB 772	Thursday, January 19, 2006	1:30 p.m.
LB 774	Thursday, January 19, 2006	1:30 p.m.
LB 777	Thursday, January 19, 2006	1:30 p.m.
LB 925	Thursday, January 19, 2006	1:30 p.m.
LB 932	Thursday, January 19, 2006	1:30 p.m.
LB 824	Friday, January 20, 2006	1:30 p.m.
LB 825	Friday, January 20, 2006	1:30 p.m.
LB 1001	Friday, January 20, 2006	1:30 p.m.
LB 1014	Friday, January 20, 2006	1:30 p.m.

(Signed) Patrick J. Bourne, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Conneally asked unanimous consent to add his name as cointroducer to LB 1027. No objections. So ordered.

Senator Engel asked unanimous consent to add his name as cointroducer to LB 828. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB 902. No objections. So ordered.

Senator Aguilar asked unanimous consent to add his name as cointroducer to LB 1025. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Bob Rauner from Lincoln.

ADJOURNMENT

At 3:44 p.m., on a motion by Speaker Brashear, the Legislature adjourned until 9:30 a.m., Thursday, January 12, 2006.

Patrick J. O'Donnell
Clerk of the Legislature